

REMARKS

Applicant wishes to express his appreciation to Examiner Stock for granting a telephonic interview to clarify claim rejections and suggest amendments that overcome the prior art. As a consequence, agreement was reached with regard to amendments to the claims that could place them in condition for allowance. Generally, claim 37 and claims dependent therefrom are allowable over the cited prior art. By amending claim 35 to clarify the relationship between the wires comprising the first and second plurality could render it and claims dependent therefrom (claims 63-65) allowable over Bardash. Claims 50 and 52 have been amended for purposes of clarity.

Drawings

Drawings are objected to under 27 CFR 1.83(a) on the basis that "drawings must show every feature of the invention specified in the claims". Specifically, objection is raised in that the features recited in claims 40 and 50 must be shown or canceled from the claims. Applicant respectfully suggests that the rule has been misconstrued.

37 CFR 1.83(a) does, in fact, state that "The drawing in a nonprovisional application must show every feature of the invention specified in the claim." But this rule does not stand alone, 37 CFR 1.81(a) states that "The applicant for a patent is required to furnish a drawing of his or her invention "when necessary for the understanding of the subject matter sought to be patented ..." (emphasis added). Thus, Applicant reads the rule as requiring a drawing showing every feature of the invention specified in the claim if such drawing is necessary for the understanding of the subject matter sought to be patented. In this context, Applicant notes that, until the most recent Office Action, at no time during the lengthy prosecution of this application has there been a request for a drawing illustrating the features of claim 40. Applicant construes

this absence as indicating that the verbal description contained in claim 40, as well as in the specification of the invention (p. 9, 13-20), sufficient for the understanding thereof. Therefore, Applicant respectfully requests that the drawing objection relating to claim 40 be removed.

Examiner Stock agreed that the amendment to claim 50 has made the requirement for drawing illustrating the features thereof unnecessary.

Claim Objections

Claims 24, 40 and 47 are objected to as being improperly dependent from a base claim.

Claim 24 has been canceled. Claims 40 and 47 have been amended to correct the improper dependence. Applicant respectfully requests that the objection be removed.

Rejection under 35 USC §101

Claims 41, 42, 51 and 52 are rejected under 35 USC §101 as being directed to non-statutory subject matter. Applicant traverses the rejection.

The basis for the rejection appears to be the OG Notice of 22 November 2005 entitled "Interim Guidelines of Patent Applications for Patent Subject Matter Eligibility". These guidelines state explicitly that "USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead the claim as a whole must be considered." (II, C). Moreover, "In determining whether the claim is for a "practical application", the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful", "tangible", and "concrete" (emphasis added) (IV, C, 2, b).

The term "useful" is defined as being (i) specific, (ii) substantial and (iii) credible (loc. cit. (1)). The term "tangible" is defined as "some practical method or means of producing a beneficial result or effect" (loc

cit. (2)). In the case of a process, the term "concrete" is defined as "a result that can be substantially repeatable or the process must substantially produce the same result again" (loc. cit. (3)).

Based on the discussion above, it is Applicant's belief that the invention claimed in claim 51, namely a method for detecting ionizing radiation comprising the steps of providing an array of wires, supplying electric power to the array, inserting the array into a radiation field and detecting the signal generated when radiation strikes the wires, provides a useful, tangible and concrete result and thus, fulfills all the requirements of a statutory invention under 35 USC §101 when the claim as a whole is considered. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 51 and claim 52, dependent therefrom.

Rejection Under 35 USC §§102 and 103

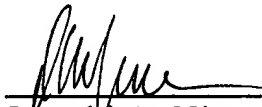
With the amendment to the claims Applicant believes the prior art rejections have been overcome and respectfully requests allowance of claims 35-65.

CONCLUSION

Having overcome the objections and rejections of claims under 35 USC §§101, 102 and 103, Applicant requests withdrawal and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Signature Anna Jimenez
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